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BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION  
DOCKET SECTION

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INTERNATIONAL AIR TRANSPORT )  
ASSOCIATION: )  
AGREEMENT RELATING TO LIABILITY )  
LIMITATIONS OF THE WARSAW CONVENTION )  
\_\_\_\_\_ )

Docket OST-95-232 - 29

**COMMENTS BY THE ASSOCIATION OF  
TRIAL LAWYERS OF AMERICA ON THE  
APPLICATION OF THE INTERNATIONAL  
AIR TRANSPORT ASSOCIATION FOR APPROVAL  
OF AGREEMENT, ANTITRUST IMMUNITY AND  
RELATED EXEMPTION RELIEF**

Communications with respect to  
this document should be sent to:

Roger S. Ballentine, Esq.  
PATTON BOGGS, L.L.P.  
2550 M Street, N.W.  
Washington, DC 20037  
202-457-6000  
Counsel for:  
Association of Trial Lawyers of America  
1050 31st Street, N.W.  
Washington, DC 20037

Dated: August 21, 1996

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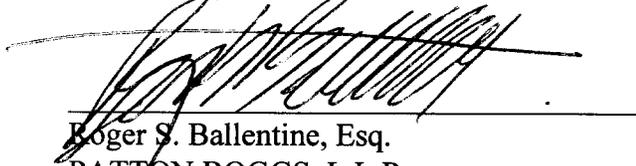
The Association of Trial Lawyers of America (ATLA) has studied the Application of the International Air Transport Association (IATA) filed with the Department of Transportation (DOT) for approval of two related IATA agreements. It is ATLA's view that on balance these agreements will vastly improve the passenger liability standards in international airline transportation. Therefore, ATLA strongly urges the DOT to give immediate approval to the IATA application and the two related IATA agreements: the Intercarrier Agreement on Passenger Liability (IIA) and the Agreement on Measures to Implement the IATA Intercarrier Agreement (MIA).

The combined effect of these IATA Agreements will be to eliminate the necessity of a passenger or a passenger's family having to prove "wilful misconduct" on the part of the airline in order to recover full and fair compensatory damages in every Warsaw Convention case. Protracted and expensive liability litigation will not be necessary. The air traveling public will benefit substantially from the effective operation of these Agreements.

ATLA is concerned, however, that the agreements will not change the very serious shortcoming of current law with regard to venue. Under Article 28 of the Warsaw Convention, a claimant may only bring an action in one of four places: the carrier's domicile, the carrier's principal place of business, the place of business through which the contract was made, or the place of destination. Therefore, the family of an American traveling overseas who is killed on a flight between foreign points may be forced to pursue their claim overseas. ATLA believes that an appropriate venue for such claims is the domicile of the claimant or claimant's survivors.

While ATLA would have therefore preferred that the United States withdraw from the Warsaw Convention entirely, it views these Agreements as a substantial step forward. ATLA, therefore, urges the DOT to promptly approve the Application of IATA and the two related Agreements, as being in the public interest so that both Agreements will come into effect on November 1, 1996.

Respectfully submitted,



Roger S. Ballentine, Esq.  
PATTON BOGGS, L.L.P.  
2550 M Street, N.W.  
Washington, DC 20037

Counsel for:  
Association of Trial Lawyers of  
America  
1050 31st Street, N.W.  
Washington, DC 20037

Dated: August 21, 1996

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August, 1996, I caused copies of the foregoing comments "Proposed ATLA Position -- IATA Agreement" to be mailed via first-class postage prepaid to the following:

Robert P. Warren  
General Counsel  
Air Transport Association  
of America  
1301 Pennsylvania Ave., N.W.  
Suite 1100  
Washington, D.C. 20004-1707  
Fax: (202) 626-4000

Mr. Gary Allen  
Chief, Civil Division  
Department of Justice  
555 Fourth Street, N.W.  
Washington, DC 20001  
(202) 616-4000  
Fax: (202) 616-4002

Warren L. Dean  
Dyer Ellis & Joseph  
6000 New Hampshire Ave., N.W.  
Suite 1000  
Washington, D.C. 20037  
Fax: (202) 944-3000

Mr. Donald H. Horn  
Assistant General Counsel  
for International Law, OST/C-20  
Department of Transportation  
Washington, D.C. 20950  
(202) 366-5621  
Fax: (202) 366-9188

Mr. James Tarrant  
Deputy Assistant Secretary for  
Transportation Affairs  
Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520  
(202) 647-4045  
Fax: (202) 647-8628

Ms. Anne McNamara  
Senior Vice President &  
General Counsel  
American Airlines, Inc.  
P.O. Box 619616, Mail Drop 5618  
DFW Airport, TX 75261-9616  
(817) 967-1400  
Fax: (817) 967-2501

Mr. Robert Fones  
Chief, Transportation, Energy  
& Agriculture Section  
Department of Justice  
555 Fourth Street, N.W.  
Washington, D.C. 20001  
(202) 307-6349  
Fax: (202) 307-2784

Mr. Gerry Mayo  
Delta Air Lines  
13 Stillhouse Road  
Atlanta, GA 30339  
(404) 952-6173  
Fax: (404) 850-5079

Mr. Hans Ephraimson-Abt  
The American Association for  
Families of KAL 007 Victims  
P.O. Box 8189  
New York, NY 10116-8189  
(201) 825-1124  
Fax: (201) 652-4436

Mr. Ronald Harris  
General Secretary  
International Union of Aviation  
Insurers  
6 Lovat Lane  
London EC3R 8DT England  
Fax: 011-44-171-929-3534

Mr. Robert D. Papkin  
Mr. Edward W. Sauer  
Mr. Charles F. Donley II  
Squire, Sanders & Dempsey  
1201 Pennsylvania Ave., N.W.  
P.O. Box 407  
Washington, D.C. 20044  
(202) 626-6601  
Fax: (202) 626-6780

Ms. Judith M. Trent  
Managing Director  
Global Aviation Associates, Ltd.  
1800 K Street, N.W.  
Suite 1104  
Washington, D.C. 20006  
(202) 457-0212  
Fax: (202) 833-3183

Raymond J. Rasenberger  
Frank J. Costello  
Zuckert, Scutt & Rasenberger,  
LLP  
888 17th Street, N.W.  
Washington, D.C. 20006  
(202) 298-8660  
Fax: (202) 342-0683

Mr. Marc Fisque  
Manager, Legal & Social Affairs  
Association of European Airlines  
Avenue Louise 350  
B-1050, Brussels, Belgium  
011-322-627-0600  
Fax: 011-322-648-4017

Mr. Richard Stirland  
Director General  
Orient Airlines Association  
P.O. Box 1391 MCPO  
Makati, The Philippines 1253  
Fax: 011-632-810-3518

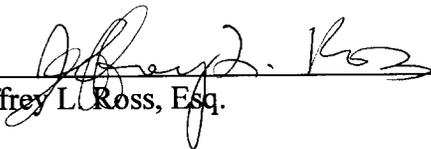
Engl. Fahim M. Rayan  
President  
African Airlines Association  
Box 20116  
Nairobi, Kenya  
Fax: 011-254-250-2504

Mr. Frederico Bloch  
President  
Asociacion Internacional de  
Transporte Aereo Latino Americano  
A.A. 98949  
Bogota, Colombia  
Fax: 011-571-413-9178

Mr. Marcel Pisters  
Director General  
International Air Carrier  
Association  
Abelag Bldg., Brussels National  
Airport, B-1930  
Zaventum, Belgium  
Fax: 011-322-721-2288

Mr. Edward J. Driscoll  
President & CEO  
National Air Carrier Association  
1730 M Street, N.W.  
Washington, D.C. 20036  
Fax: (202) 659-9479

Mr. Lorne S. Clark  
General Counsel and Corporate  
Secretary  
International Air Transport  
Association  
IATA Building  
2000 Peel Street  
Montreal, Quebec  
Canada H3A 2R4  
Fax: 514-844-6934

  
Jeffrey L. Ross, Esq.